

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Gary Johnson,

and

Charlotte Johnson,

Plaintiffs,

v.

Portfolio Recovery Associates, Inc.
c/o Judith Sugg Scott. Registered agent
120 Corporate Blvd, Suite 100
Norfolk, VA 23502,

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff Gary Johnson (öGaryö) is a resident of the State of Illinois.
- 4- Plaintiff Charlotte Johnson (öCharlotteö) is a resident of the State of Illinois.
- 5- Defendant is a corporation with its principal office in the State of Virginia.
- 6- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 7- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 8- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

FACTS COMMON TO ALL COUNTS

- 9- On or around October 12, 2011, Defendant telephoned Plaintiffs and left a voicemail.
- 10- On or around October 12, 2011, Charlotte telephoned Defendant using the number left on the voicemail.
- 11- During this communication, Charlotte learned that Defendant was attempting to collect a debt for U.S. Cellular.
- 12- During this communication, Charlotte informed Defendant that Plaintiffs never had an account with U.S. Cellular, and that Defendant was calling the wrong people.
- 13- During this communication, Defendant never attempted to verify Plaintiffs identity.
- 14- During this communication, Defendant insisted that Plaintiff owed the bill and demanded that Plaintiffs pay the bill.
- 15- During this communication, Plaintiffs asked Defendant to stop calling them about the bill.
- 16- During this communication, Defendant represented to Plaintiffs that the only way they would stop calling is for Plaintiffs paid the bill.
- 17- Despite having notice that Plaintiffs were not the debtor, Defendant telephoned Plaintiffs at least 5 more times.
- 18- Defendant damaged Plaintiffs.
- 19- Defendant violated the FDCPA.

COUNT I

- 20- Plaintiffs incorporate all the allegations and statements made above as if reiterated herein.
- 21- Defendant violated 15 USC § 1692e(2) by misrepresenting the character, amount, and/or legal status of the Debt.

COUNT II

22- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

23- Defendant violated 15 USC § 1692e(10) by using false representations and/or deceptive means to collect, or attempt to collect, the Debt.

COUNT III

24- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

25- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, the Debt.

COUNT IV

26- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

27- Defendant violated 15 USC § 1692e by engaging in false, deceptive, or misleading methods to collect a debt.

JURY DEMAND

28- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

29- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$2,000 in statutory damages (\$1,000 per plaintiff) for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);

- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3);
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

By: /s/ Richard J. Meier

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